



Legislative
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SB 18-245

FINAL FISCAL NOTE

Drafting Number: LLS 18-1231
Prime Sponsors: Sen. Cooke
Rep. Arndt

Date: August 23, 2018
Bill Status: Signed into Law
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Bill Topic: ALLOW NATURAL OCCURRING RADIOACTIVE MATERIAL RULES

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill requires the State Board of Health to adopt rules concerning the disposal of naturally occurring radioactive materials which will create a workload increase beginning in FY 2018-19 for rulemaking and conducting a stakeholder process.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The revised fiscal note reflects the enacted bill.

Summary of Legislation

Under current law, the State Board of Health in the Department of Public Health and Environment (CDPHE) cannot adopt rules concerning the disposal of naturally occurring radioactive materials (NORM) until the Environmental Protection Agency has adopted rules concerning the disposal of NORM. This bill requires the state board to adopt rules concerning the disposal of NORM by December 31, 2020.

Prior to adopting the rules, the board is required to convene a stakeholder group that includes representatives from the oil and gas industry, mining industry, operators of exploration and production (EP) waste disposal facilities, power generators and suppliers, public water providers, public wastewater treatment providers, solid waste landfill operators, and other interested or affected parties concerning the disposal of NORM and technologically enhanced naturally occurring radioactive materials (TENORM). The CDPHE is required to:

- review and consider TENORM residual management and regulatory limits from other states;
- prepare a report with stakeholder input group that considers background radiation levels in the state, waste stream identification and quantification, use and disposal practices, current engineering practices, appropriate test methods, economic impacts, and data gaps;
- develop a proposed residuals management rule that includes regulatory limits for landfill disposal, beneficial reuse, and exemption levels; and
- report to the House and Senate health committees on the stakeholder process by December 31, 2019.

Until the rules are effective, the handling, transportation, beneficial use, and disposal of TENORM is governed by the *Interim Policy and Guidance Pending Rulemaking for the Control and Disposition of Technologically Enhanced Naturally Occurring Radioactive Materials in Colorado*, issued by CDPHE in February 2007. Facilities that accept EP waste must also comply with CDPHE letters dated November 7, 2017, and November 14, 2017.

State Expenditures

Beginning in FY 2018-19, the CDPHE will have an increase in workload to conduct a stakeholder process to develop regulations for NORM management and disposal and to conduct rulemaking hearings. This workload can be addressed within existing appropriations.

Local Government

This bill may impact some local governments that operate landfills or water treatment plants. These impacts will depend on the results of the rulemaking on NORM handling and disposal and have not been estimated for the fiscal note.

Effective Date

This bill was signed into law by the Governor on June 6, 2018, and took effect August 8, 2018.

State and Local Government Contacts

Law Natural Resources Public Health and Environment